

**MINUTES OF THE  
GREENSBORO BOARD OF ADJUSTMENT  
REGULAR MEETING  
JUNE 26, 2006**

The regular meeting of the Greensboro Board of Adjustment was held on June 26, 2006 in the City Council Chamber of the Melvin Municipal Office Building, Greensboro, North Carolina commencing at 2:06 p.m. The following members were present: Hugh Holston, Chair, Ann Buffington, John Cross, Scott Brewington. Bill Ruska, Zoning Administrator and Blair Carr, Esq., from the City Attorney's Office were also present.

Chair Holston called the meeting to order and explained the policies and procedures of the Board of Adjustment. He further explained the manner in which the Board conducts its hearings and the method for appealing any ruling made by the Board. Chair Holston also advised that each side, regardless of the number of speakers, would be allowed a total of 20 minutes to present evidence.

**APPROVAL OF MINUTES OF LAST MEETING**

Mr. Cross moved to approve the minutes of the May 22, 2006, as submitted, seconded by Ms. Buffington. The Board voted unanimously in favor of the motion.

Mr. Ruska was sworn in for evidence to be given by him on all the requests before the Board today.

Chair Holston asked if there were any changes in the agenda.

Marc Isaacson, attorney, 101 W. Friendly Avenue, came forward and stated that he wished to withdraw Item 1A, BOA-06-06, 310 W. Meadowview Road. They are working diligently to find a mutually agreeable solution to this problem. This item may come back to the Board at some time in the future as a different variance request.

Ms. Buffington moved to withdraw BOA-06-06, 310 W. Meadowview Road, seconded by Mr. Brewington. The Board voted unanimously in favor of the motion.

It was determined that Item 1B, 199 Country Club Drive, BOA-06-30, had to be continued as there would only be 3 voting members since Mr. Cross would have to recuse himself.

**OLD BUSINESS**

**VARIANCE**

- (A) BOA-06-06: 310 WEST MEADOWVIEW ROAD HERITAGE HOUSE 310, LLC REQUESTS VARIANCES FROM THE PARKING REQUIREMENT THAT PARKING SPACES FOR A BAR MAY NOT BE LOCATED OFF-SITE AND FROM THE REQUIREMENT THAT REQUIRED PARKING FOR A BAR MAY NOT BE LOCATED ACROSS AN INTERVENING MINOR THOROUGHFARE. THIS CASE WAS CONTINUED FROM THE JANUARY 23, FEBRUARY 27, AND APRIL 24, 2006 MEETINGS. VIOLATION #1: THE APPLICANT IS REQUESTING TO LOCATE REQUIRED PARKING SPACES FOR A PROPOSED BAR OFF-SITE FROM THE ZONED LOT. TABLE 30-5-3-1. VIOLATION #2: THE APPLICANT IS REQUESTING TO LOCATE REQUIRED PARKING ACROSS WEST MEADOWVIEW ROAD, A MINOR THOROUGHFARE. SECTION 30-5-3.5(A). PRESENT ZONING-CD-PDI, BS-40, CROSS STREET-VILLAGE GREEN DRIVE. (WITHDRAWN)**

**(B) BOA-06-30: 199 COUNTRY CLUB DRIVE BILLY HUNT REQUESTS A VARIANCE FROM A CENTERLINE STREET SETBACK REQUIREMENT. VIOLATION: A PROPOSED SINGLE FAMILY DWELLING WILL ENCROACH 7 FEET INTO A 40-FOOT CENTERLINE SIDE SETBACK FROM WENTWORTH DRIVE. TABLE 30-4-6-1, PRESENT ZONING-RS-9, BS-28, CROSS STREET-WENTWORTH DRIVE. (CONTINUED)**

**NEW BUSINESS**

**SPECIAL EXCEPTION**

**(A) BOA-06-31: 1403 CLIFFWOOD DRIVE JIMMY MACK REQUESTS A SPECIAL EXCEPTION AS AUTHORIZED BY SECTION 30-5-2.37(B) TO ALLOW A SEPARATION OF 1,270 FEET FROM ONE FAMILY CARE HOME (6 OR LESS PERSONS) TO ANOTHER FAMILY CARE HOME (6 OR LESS PERSONS) WHEN 1,320 FEET IS REQUIRED. PRESENT ZONING – RS-9, BS-41, CROSS STREET – GLEN HAVEN DRIVE. (CONTINUED)**

Mr. Ruska stated that Jimmy Mack is the owner of the property located at 1403 Cliffwood Drive. The lot is located on the south side of Cliffwood Drive west of West Meadowview Road on zoning map block sheet 41. The property is zoned RS-9. The applicant is requesting a Special Exception as authorized by Section 30-5-2.37(B) to locate a proposed family care home (6 or less persons) 1,270 feet from an existing family care home (6 or less persons) instead of the required spacing of 1,320 feet. This location will not meet the spacing requirement by approximately 50 feet. This measurement is established from property line to property line. The existing family care home is located at 1209 Kindley Street, which is located south and east of the proposed family care home. The homes will be separated by collector streets and numerous other single family homes. Attached is a copy of an updated report for Board of Adjustment Special Exception requests for family care homes from January 2000 through May 2006. The adjacent properties are also zoned RS-9.

Chair Holston asked if there was anyone present wishing to speak on this matter.

Jimmy Mack, 4015 Landerwood Drive, was sworn in and stated that they started a project to house young boys in February 2005 and acquired the property during that time. After that, there was a freeze put on family care homes and also during that time another applicant was able to obtain their license for a different family care home. He and his wife had already received their zoning letter, their inspections had been done, they purchased the property and the furniture for the home, did all the layout for the home, and the only thing they could do was wait on the freeze to be lifted to acquire their license. They hope to be able to provide a home for young people that have nowhere else to turn after going through the Court system.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter.

Bobbie Smith, 1406 Corrigedor Street, was sworn in and stated that she lives in the property adjacent to this request. She pointed out that there are two (2) other group homes in the neighborhood. There is one on Corrigedor Street for adolescent girls and there have been more than 20 calls to police to that location since it opened less than 2 years ago. There is another one on Cliffwood Drive that opened just a couple of months ago and it houses adults. There was no notification given to the neighborhood about that particular group home. This is not a monitored home and she feels it may be operating illegally. She asked that the Board check into this matter before making a decision.

Mr. Ruska stated that the Zoning department would like an opportunity to investigate this matter and suggested that this item be continued to the next meeting.

After some discussion Mr. Cross moved that BOA-06-31, 1403 Cliffwood Drive, be continued for further investigation by the Zoning department in regard to other, like facilities in the area, seconded by Ms. Buffington. The Board voted 4-0 in favor of the motion. (Ayes: Holston, Brewington, Buffington, Cross. (Nays: None.)

**B. BOA-06-32: 606 MAGNOLIA STREET JAMES AND DENISE COWHIG REQUEST A SPECIAL EXCEPTION AS AUTHORIZED BY SECTION 30-4-4.2(B)2) TO ALLOW AN ATTACHED ADDITION TO ENCROACH INTO A REAR SETBACK. THE PROPOSED ADDITION WILL ENCROACH 5 FEET INTO A REQUIRED 15-FOOT REAR SETBACK. THE HISTORIC PRESERVATION COMMISSION HAS RECOMMENDED THIS SPECIAL EXCEPTION. PRESENT ZONING – RS-5, BS-2, CROSS STREET – EAST FISHER AVENUE. (GRANTED)**

Mr. Ruska stated that James and Denise Cowhig are the owners of a parcel located at 606 Magnolia Street. This lot is in the Fisher Park Historic District. The lot is located on the eastern side of Magnolia Street north of East Fisher Avenue on zoning map block sheet 2 and is currently zoned RS-5. The applicant is requesting a Special Exception to add an addition to a single family dwelling. The proposed addition will encroach 5 feet into a 15-foot rear setback. The applicant is proposing to angle the addition. Both lot lines are angled. This will keep the addition in compliance with the side setback requirement. The lot is rectangular in shape. The lot has approximately 58 feet of width and 115 feet of depth. At their May 31, 2006 meeting, the Historic Preservation Commission approved the application and registered their support for the Special Exception request. Each member's packet contains a copy of the memorandum. The adjacent properties are also zoned RS-5.

Chair Holston asked if there was anyone present wishing to speak on this matter.

Mike Cowhig, 606 Magnolia Street, was sworn in and stated that he is restoring his home and in the process of renovating the house and they feel that the house is inadequate in terms of space, bathrooms and storage. A survey done on the property shows that the property lines are not consistent from property to property. The homes in this neighborhood are very old and apparently there were no subdivision regulations in place when they were built. The proposed addition will be angled to fit into the setback as closely as possible. The Historic Preservation Commission reviewed the plans and recommends the granting of the Special Exception for this application.

Chair Holston asked if there was anyone present wishing to speak in opposition to this matter and no one came forward.

Mr. Cross moved that in BOA-06-32, 606 Magnolia Street, staff's comments be incorporated as findings of fact, that the Zoning Enforcement Officer be overruled and the Special Exception be granted as it is in harmony with the general purpose and intent of the ordinance and preserves its spirit, assures public safety and welfare and does substantial justice due to the odd shape of the lot and the fact that the Historic Preservation Commission has already given its blessing for this type of building, the fact that the rear setback is going to be adjacent to an alley as opposed to another building lot or other house or street, seconded by Mr. Brewington. The Board voted 4-0 in favor of the motion. (Ayes: Holston, Brewington, Buffington, Cross. (Nays: None.)

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A discussion was held between staff, legal counsel and Board members relative to concerns about alternate members.

There being no further business before the Board the meeting was adjourned at 2:59 p.m.

Respectfully submitted,

Hugh Holston, Chair  
Greensboro Board of Adjustment

HH/jd